THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.26421, 26423 AND 26424 OF 2005

Dated: 09-12-2005

Between

J. A. Hanumantha Rao, S/o. Devala Raju, Fair Price Shop Dealer, Shop No.82, Eluru, West Godavari District and others.

...PETITIONERS

AND

The District Collector, West Godavari District, Eluru and others.

...RESPONDENTS

COMMON ORDER:

Petitioners seek a Writ of Mandamus to declare the cancellation orders in Roc.No.1677 of 2005 (C) dated 21.11.2005 of the third respondent and the orders dated 04.12.2005 of the second respondent as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the fair price shop dealers of Shop Nos.82, 75 and 76 respectively situated at Eluru Town, West Godavari District. The authorization in respect of the said shops has been issued in favour of the petitioners in the year 1973 and since then they have been distributing the essential commodities. While so, the third respondent issued show cause notices dated 25.10.2005 to the petitioners to show cause as to why their cancellation should not be cancelled within a period of seven days. The petitioners submitted their explanations vide letters dated 02.11.2005. Thereafter, the third respondent issued the impugned proceedings dated 21.11.2005 canceling the authorization of the petitioners. Against the said cancellation order

the petitioners filed appeals along with stay applications before the Joint Collector – the second respondent, who by order dated 04.12.2005 while admitting the appeals rejected the stay applications.

The allegations, as seen from the show cause notice, against the petitioners are that they have obtained computerized ration cards and also coupons without obtaining the signatures of the in charge of the DPL point with malafide intention for pecuniary gains in connivance with the technical person in the DPL point. Explanations have been submitted by the petitioners to the show cause notices stating that there is no connection whatsoever between the technical person and the dealer and the in charge of DPL point in handing over the cards along with coupons to the concerned persons who appeared before them. It is further submitted that they have not violated any of the terms and conditions of the authorization.

The authorizations were cancelled on the ground that there is a malafide intention in the minds of the dealers to commit irregularities for pecuniary gains. The irregularities said to have been committed by the petitioners are not specified in the cancellation order. However, the cancellation orders are the subject matter of the appeals and the appellate authority by different proceedings dated 04.12.2005 rejected the stay applications while admitting the appeals.

Having regard to the facts and circumstances of the case and as there are no serious and grave irregularities committed by the petitioners, the writ petitions are disposed of directing the appellate authority to consider and dispose of the appeals in accordance with law as expeditiously as possible after giving reasonable opportunity to the petitioners and till then the cancellation orders of the Revenue Divisional Officer stands stayed and the petitioners may be permitted to distribute the essential commodities.

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V. ESWARAIAH, J

December 9, 2005

DSK